

# COUNCIL COMMUNICATION

<b>Meeting Date:</b> May 25, 2021	<b>Agenda Item:</b> 10B	<b>Agenda Location:</b> Consent Calendar	<b>Goal(s):</b>	<b>Legal Review:</b> <i>WAT</i>	<input type="checkbox"/> 1 <sup>st</sup> Reading <input checked="" type="checkbox"/> 2 <sup>nd</sup> Reading
<b>Subject:</b> An ordinance amending Ordinance 3480 revising and prescribing water rates and charges for the operation and maintenance of the water system for the City.					
<b>Recommended by:</b> Kim Newhart <i>KN</i>				<b>Approved by:</b> Kevin S. Woods <i>KW</i>	
<b>Presenter(s):</b> Kim Newhart, Finance Director				<b>Ordinance previously introduced by:</b> <u>Acunto</u>	

**SYNOPSIS:**

This ordinance proposes an amendment to Ordinance 3480 related to the qualification criteria for the Thornton Water Assistance Program (Program). The current criteria to be eligible for assistance is a total household income of 185% of the Federal Poverty Level or less (\$4,039 for a household of four). Staff is proposing the criteria match the Low Income Energy Assistance Program (LEAP) which is set at 60% of the State Median Income (\$5,038 for a household of four).

**RECOMMENDATION:**

Staff recommends Alternative No. 1, change the eligibility criteria for the Program to match LEAP. The Federal Poverty Level is more restrictive than the LEAP income eligibility. Staff believes that because customers are eligible for the Program with proof of LEAP, changing the income limits to match LEAP will eliminate confusion and unnecessary delays for the customer, as well as create administrative efficiencies for the City.

**BUDGET/STAFF IMPLICATIONS:**

Funding for the Program is established through the annual budget appropriation process. The current approved funding for the Program for 2021 is \$340,000, changing the criteria is not projected to exceed the current budget.

**ALTERNATIVES:**

1. Approve the ordinance amending the eligibility criteria for the Program to match LEAP.
2. Do not approve the ordinance and maintain the current Water Assistance Program Qualification Criteria.

**BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY):** (includes previous City Council action)

The Program is intended to provide financial assistance to Thornton Water Utility customers meeting the qualifying criteria. Qualifying customers will be eligible for an annual credit against their utility bill, or in the case where the customer resides in a multifamily master meter community, payment will be issued to the property management company or leasing agent. The customer will need to reapply each year to receive assistance.

The current qualification criteria for the Program is the customer must provide evidence of the household's approval of LEAP; or approval of Medicaid, Supplemental Nutrition Assistance Program (SNAP), Women, Infants, and Children (WIC), or Temporary Assistance to Needy Families (TANF) for

## COUNCIL COMMUNICATION

### PAGE 2

each member of the household; or income qualify at 185% of the Federal Poverty Level or less, considering total household income of all ages 18+ living within the home.

City Council adopted Ordinance 3107 on August 11, 2009, prescribing the water rates and charges for the operation and maintenance of the water system of the City.

City Council adopted Ordinance 3331 on April 14, 2015, prescribing the water rates and charges for the operation and maintenance of the water system of the City.

City Council adopted Ordinance 3480 on July 24, 2018, prescribing the water rates and charges for the operation and maintenance of the water system of the City. Subsequent Ordinances extended the duration of the program and modified the credit amount, with the most recent removing program deadlines and tying the program funding to the budget appropriation process.

The Program served 352 Customers in 2019 (36 were declined) and 430 Customers in 2020 (14 were declined).

The water assistance amount is based on the average bill amount at the time of turnoff. Staff continues to analyze this amount annually for adjustment.

- The 2021 credit for those with a Thornton Water account is \$360.
- The 2021 credit for those living in a master meter community is \$80.

INTRODUCED BY: Acunto

AN ORDINANCE AMENDING ORDINANCE 3480 REVISING AND PRESCRIBING WATER RATES AND CHARGES FOR THE OPERATION AND MAINTENANCE OF THE WATER SYSTEM FOR THE CITY.

WHEREAS, the City owns and operates a municipal water system, pursuant to Chapter 74 of the City Code and establishes rates and charges for the municipal water system pursuant to such ordinance; and

WHEREAS, City Council adopted Ordinance 3480 on July 24, 2018 which revised and prescribed water rates and charges; and

WHEREAS, this ordinance amends Ordinance 3480, an ordinance revising and prescribing water rates and charges for the operation and maintenance of the water system for the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

Section 1. Definitions.

For purposes of this ordinance, the following definitions shall apply unless the context of the use of the words and phrases clearly require otherwise:

- 1.1 “Average Winter Consumption” or “AWC” means the average of monthly water meter readings for the billing periods representing November through February (the winter period). The AWC is calculated as winter period consumption divided by the winter period number of days multiplied by 30.42. The process of determining the AWC shall be repeated once each year. In the event that an AWC cannot be established or is not representative of actual use, then the class average for the same meter size shall be used until an AWC can be established.
- 1.2 “Accessory Dwelling Unit” or “ADU” means a second dwelling unit that is either located within a single-family detached dwelling or in an attached or detached structure on the same lot as the original dwelling.
- 1.3 “Augmentation Water” means water used for aesthetic purposes only and augmented with other releases within the City’s watercourses.
- 1.4 “Building” means a structure for the support or shelter of any use or occupancy.

- 1.5 “Commercial” service means service other than domestic, irrigation, or industrial service, including but not limited to for-profit businesses and not-for-profit businesses.
- 1.6 “Customer” means the person shown on City records as being responsible for payment on the water and/or sewer and/or solid waste account.
- 1.7 “Domestic” or “residential” service means service to a single-family residence, a multifamily residence, a duplex, or a manufactured home.
- 1.8 “Duplex” means two dwelling units sharing a wall or other interconnections.
- 1.9 “Dwelling unit” means one or more rooms designed to accommodate one family and containing only one kitchen plus living, sanitary, and sleeping facilities.
- 1.10 “Inactive Connection” means a connection through which no measurable flow of water has registered on the assigned water meter in any billing period for 10 consecutive years or more, regardless of whether any payment for water or sewer was made during or after the 10 years. Measurable flow means at least 1,000 gallons of water.
- 1.11 “Industrial” service means any use which introduces water-carried wastes into the sewer system from industrial manufacturing or processing as distinct from or in addition to sanitary sewage, which discharge does, or is likely to, require pre-treatment and/or a substantial increased level of treatment or handling.
- 1.12 “Irrigation” service means any separately metered connections for non-potable or potable water with no discharge into the sanitary sewer system.
- 1.13 “Lot” means a designated area of land established by a plat and to be used, developed or built upon as a unit.
- 1.14 “Manufactured home” means a factory-assembled structure without permanent foundations and designed to be transported on its own wheels, arriving at the site as a complete dwelling unit. Removal of the wheels and placement on a foundation does not change its classification. The term "manufactured home" includes half units that are transported to the site on their own wheels and assembled. It does not include travel trailers, campers, camper buses, motor homes, or modular houses.
- 1.15 “Monthly Outdoor Allowance” or “MOA” means the amount of water allotted to each customer for outdoor usage. The Monthly Outdoor Allowance may be adjusted administratively as necessary by the City Manager based on water supply projections to meet the stated water conservation goals of the City.

- 1.16 “Multifamily Residence” means a residential structure having three or more dwelling units within such lot.
- 1.17 “Non-Potable” means water that is not suitable for human consumption.
- 1.18 “Owner” means the fee owner of real property identified in the County property records.
- 1.19 “Potable” means water that is suitable for human consumption.
- 1.20 “Property” means the real property that is served by the City’s water and sewer system.
- 1.21 “Single-Family Residence” means any building situated on one lot with a single dwelling, and sharing no common wall, foundation, or other interconnection with another dwelling unit or other structure or use. An Accessory Dwelling Unit shall be exempt from the requirements for a separate and independent water service connection to the main.
- 1.22 “Single-Family Residential Equivalent” or “SFRE” means the capacity of sewer service or water service required for a single-family residence.
- 1.23 “Tampering” means any unauthorized opening of the meter pit that results in removal or any adjustment of the meter, Encoded Receiver Transmitter (ERT), or ERT wiring, or the turning on or off of any valves; installation of any water bypassing device in lieu of the City water meter; and any damage to the meter, meter pit, meter pit lid, ERT or dome.
- 1.24 “Tap” or “Tapping” means the physical point of connection of a water service line to the City’s potable water distribution system.
- 1.25 “Water Connection” means the point where a water service line attaches to a water main, thereby allowing water to flow from the City’s water system to an individual customer.

Section 2. Domestic, Commercial, Irrigation and Industrial Water Rates and Charges.

- 2.1 Budget Billing. The City Manager shall have the authority to promulgate a budget billing program that operates to equalize the monthly water service charges by averaging seasonal use variations. Any such program will be available to those residential customers who qualify under the guidelines established by the program on an elective basis.
- 2.2 Domestic Water Service Charge. The following monthly charges are established for domestic water service, regardless of the amount of water consumed.

Effective Upon Passage\*

Meter (inches)	Inside City	Outside City
5/8 or Single Family	\$ 5.64	\$ 8.46
3/4	8.76	13.14
1	13.44	20.16
1-1/2	16.56	24.84
2	50.88	76.32
3	100.80	151.20
4	156.96	235.44
6 and larger	312.95	469.43

Effective January 1, 2019

Meter (inches)	Inside City	Outside City
5/8 or Single Family	\$ 5.81	\$ 8.72
3/4	9.02	13.53
1	13.84	20.76
1-1/2	17.06	25.59
2	52.41	78.62
3	103.82	155.73
4	161.67	242.51
6 and larger	322.34	483.51

Effective January 1, 2020

Meter (inches)	Inside City	Outside City
5/8 or Single Family	\$ 5.98	\$ 8.97
3/4	9.29	13.94
1	14.26	21.39
1-1/2	17.57	26.36
2	53.98	80.97
3	106.93	160.40
4	166.52	249.78
6 and larger	332.01	498.02

2.3 Domestic Water Quantity Charge. The following monthly charges per 1,000 gallons are established for domestic service:

Effective Upon Passage

Tier	Allowed Monthly Usage	Inside City	Outside City
1	Average Winter Consumption (AWC)	\$ 5.22	\$ 7.83
2	Monthly Outdoor Allowance (MOA)	5.22	7.83
3	SFR (20,000), all other 2X MOA	7.83	11.75
4	All Usage Above Tier 3	15.66	23.49

Effective January 1, 2019

Tier	Allowed Monthly Usage	Inside City	Outside City
1	Average Winter Consumption (AWC)	\$ 5.38	\$ 8.07
2	Monthly Outdoor Allowance (MOA)	5.38	8.07
3	SFR (20,000), all other 2X MOA	8.06	12.09
4	All Usage Above Tier 3	16.13	24.20

Effective January 1, 2020

Tier	Allowed Monthly Usage	Inside City	Outside City
1	Average Winter Consumption (AWC)	\$ 5.54	\$ 8.31
2	Monthly Outdoor Allowance (MOA)	5.54	8.31
3	SFR (20,000), all other 2X MOA	8.30	12.45
4	All Usage Above Tier 3	16.61	24.92

2.4 Commercial Water Service Charge. The following monthly charges are established for commercial water service, regardless of the amount of water consumed:

Effective Upon Passage\*

Meter (inches)	Inside City	Outside City
5/8 by 3/4	\$ 5.64	\$ 8.46
3/4	8.76	13.14
1	13.44	20.16
1-1/2	16.56	24.84
2	50.88	76.32
3	100.80	151.20
4	156.96	235.44
6 and larger	312.95	469.43

Effective January 1, 2019

Meter (inches)	Inside City	Outside City
5/8 by 3/4	\$ 5.81	\$ 8.72
3/4	9.02	13.53
1	13.84	20.76
1-1/2	17.06	25.59
2	52.41	78.62
3	103.82	155.73
4	161.67	242.51
6 and larger	322.34	483.51

Effective January 1, 2020

Meter (inches)	Inside City	Outside City
5/8 by 3/4	\$ 5.98	\$ 8.97
3/4	9.29	13.94
1	14.26	21.39
1-1/2	17.57	26.36
2	53.98	80.97
3	106.93	160.40
4	166.52	249.78
6 and larger	332.01	498.02

2.5 Commercial Water Quantity Charge. The following monthly charges per 1,000 gallons are established for commercial service:

Effective Upon Passage\*\*

Tier	Allowed Monthly Usage	Inside City	Outside City
1	Average Winter Consumption (AWC)	\$ 5.22	\$ 7.83
2	Monthly Outdoor Allowance (MOA)	5.22	7.83
3	> AWC + MOA up to AWC + 2x MOA	6.87	10.31
4	All Usage Above Tier 3	13.74	20.61

Effective January 1, 2019

Tier	Allowed Monthly Usage	Inside City	Outside City
1	Average Winter Consumption (AWC)	\$ 5.38	\$ 8.07
2	Monthly Outdoor Allowance (MOA)	5.38	8.07
3	> AWC + MOA up to AWC + 2x MOA	7.08	10.62
4	All Usage Above Tier 3	14.15	21.23

Effective January 1, 2020

Tier	Allowed Monthly Usage	Inside City	Outside City
1	0 - AWC	\$ 5.54	\$ 8.31
2	> AWC up to AWC + MOA	5.54	8.31
3	> AWC + MOA up to AWC + 2x MOA	7.29	10.94
4	All Usage Above Tier 3	14.57	21.86

2.6 Irrigation Water Service Charge. The following monthly charges are established for irrigation service, regardless of the amount of water consumed:



Effective Upon Passage\*

Meter (inches)	Inside City	Outside City
5/8 by 3/4	\$ 5.64	\$ 8.46
3/4	8.76	13.14
1	13.44	20.16
1-1/2	16.56	24.84
2	50.88	76.32
3	100.80	151.20
4	156.96	235.44
6 and larger	312.95	469.43

Effective January 1, 2019

Meter (inches)	Inside City	Outside City
5/8 by 3/4	\$ 5.81	\$ 8.72
3/4	9.02	13.53
1	13.84	20.76
1-1/2	17.06	25.59
2	52.41	78.62
3	103.82	155.73
4	161.67	242.51
6 and larger	322.34	483.51

Effective January 1, 2020

Meter (inches)	Inside City	Outside City
5/8 by 3/4	\$ 5.98	\$ 8.97
3/4	9.29	13.94
1	14.26	21.39
1-1/2	17.57	26.36
2	53.98	80.97
3	106.93	160.40
4	166.52	249.78
6 and larger	332.01	498.02

2.7 Irrigation Water Quantity Charge. The following monthly charges per 1,000 gallons are established for irrigation service:

Effective Upon Passage

Tier	Allowed Monthly Usage	Non-Potable	Potable Inside City	Potable Outside City
1	Augmentation Water	\$ 0.59	NA	NA
2	Monthly Outdoor Allowance (MOA)	2.12	6.72	10.08
3	> MOA up to 2x MOA	NA	10.08	15.12
4	All Usage Above Tier 3	NA	20.16	30.24

Effective January 1, 2019

Tier	Allowed Monthly Usage	Non-Potable	Potable Inside City	Potable Outside City
1	Augmentation Water	\$ 0.61	NA	NA
2	Monthly Outdoor Allowance (MOA)	2.18	6.92	10.38
3	> MOA up to 2x MOA	NA	10.38	15.57
4	All Usage Above Tier 3	NA	20.76	31.14

Effective January 1, 2020

Tier	Allowed Monthly Usage	Non-Potable	Potable Inside City	Potable Outside City
1	Augmentation Water	\$ 0.63	NA	NA
2	Monthly Outdoor Allowance (MOA)	2.25	7.13	10.69
3	> MOA up to 2x MOA	NA	10.69	16.04
4	All Usage Above Tier 3	NA	21.38	32.07

\*In effect since May 1, 2015

\*\*In effect since February 14, 2017

### Section 3. Miscellaneous Billing Charges.

3.1 Fire Hydrant Meter Rental Charge. A \$1,400 refundable deposit shall be paid to the City upon rental of a fire hydrant meter. The City shall charge a monthly rental fee and a quantity charge per 1,000 gallons of water for rental of a fire hydrant meter. The rental charge and the quantity charge shall apply based on the rates defined in the ordinance when the hydrant meter is returned to, and read by, City staff. The charge for the monthly rental fee is \$40. The charge per 1,000 gallons of water is \$6.72 for calendar year 2018, \$6.92 for calendar year 2019, and \$7.13 for calendar year 2020.

The renter shall be charged for loss of, or failure to return a fire hydrant meter at current replacement cost for the type of hydrant meter rented. Such charges, as well as charges for damages to the meter, actual or estimated quantity charges, and rental charges, will be deducted from the deposit. When the charges exceed the deposit, the renter will be billed for the balance due. If the charges are less than the deposit, the renter will receive a refund for the difference.

3.2 Late Charge. A late charge of \$10.00 shall be added each month to any account on which all charges are not paid by the due date as stated on the monthly bill.

3.3 Master Meter and Meter Accuracy Testing Charge. The Utilities Operations Division performs master meter testing and meter accuracy testing at the customer's request. If the test results prove that the meter is functioning properly, then the customer shall be charged for the accuracy test based on the size of meter being tested. For meters 1" or smaller the charge is established as \$50.00. For meters 1-1/2" and larger the charge is established as \$145.00. If the meter is found

to be operating outside acceptable American Water Works Association (AWWA) tolerances, then there shall be no charge to the customer.

3.4 New Account Charge. When a request is made by a customer to have water service provided, or to change a name on any water account, a new account charge of \$20.00 will be added. Exceptions to this charge include: 1) name changes on an account due to marriage, dissolution of marriage, and inheritance; and 2) changes to the forwarding address of the owner.

3.5 Nonpayment (Turn-off/Turn-on) Charge and Water Restoration.

a. Turn-off/Turn-on Charge. When water is turned off due to delinquency, a charge of \$40.00 will be imposed and added to the customer's account. Water shall be turned off at the meter box; provided; however, if water is turned on, caused to be turned on, or is being used by the customer without authorization by the City; or if the meter pit and valve controlling the service are not readily accessible, the service may be turned off at the main by the City.

b. Water Restoration. Before water service is restored, all Nonpayment Charges, Late Charges, Tampering Charges, and all delinquent charges must be paid.

3.6 Reinspection Charge for Meter and/or Vault Installation. A reinspection charge of \$35.00 shall apply for each inspection after initial installation inspection. The fee shall be paid prior to any additional inspection being performed by the City.

3.7 Returned Check Charge. An \$18.00 service charge shall apply for returned and dishonored checks received by the City.

3.8 Tampering Charges. When tampering has occurred, as defined in Section 1.18, the following charges will be added to the account where the meter is located, plus an additional cost incurred in identifying and correcting the tampering problem. Water will not be restored until all delinquent and tampering charges have been paid.

1st Occurrence	\$ 100.00
2nd Occurrence	\$ 200.00
3rd Occurrence	\$ 300.00

#### Section 4. Fire Protection.

4.1 Private Fire Line Charge. The following monthly charges shall apply for each private fire line:

Effective Upon Passage

Meter (inches)	Charge
2	\$ 21.69
4	53.96
6	107.92
8 and larger	210.45

Effective January 1, 2019

Meter (inches)	Charge
2	\$ 22.34
4	55.58
6	111.16
8 and larger	216.76

Effective January 1, 2020

Meter (inches)	Charge
2	\$ 23.01
4	57.25
6	114.49
8 and larger	223.26

4.2 Public Fire Protection for Outside City. The following monthly charges are established for public fire protection connections outside the City limits:

- a. Single-Family. The monthly charge shall be \$6.12 for calendar year 2018, \$6.30 for calendar year 2019, and \$6.49 for calendar year 2020.
- b. Multifamily and Commercial. The following monthly charges shall apply:

Effective Upon Passage

Meter (inches)	Charge
5/8 by 3/4	\$ 6.12
3/4	9.79
1	14.61
1-1/2	26.10
2	37.81
3	92.58
4	157.73
6 and larger	315.49

Effective January 1, 2019

<u>Meter (inches)</u>	<u>Charge</u>
5/8 by 3/4	\$ 6.30
3/4	10.08
1	15.05
1-1/2	26.88
2	38.94
3	95.36
4	162.46
6 and larger	324.95

Effective January 1, 2020

<u>Meter (inches)</u>	<u>Charge</u>
5/8 by 3/4	\$ 6.49
3/4	10.38
1	15.50
1-1/2	27.69
2	40.11
3	98.22
4	167.33
6 and larger	334.70

Section 5. Water Tapping.

All taps to water mains shall be performed by a licensed City contractor at the expense of the applicant.

Section 6. Water Service Connection Fees.

The following categories of fees are water service fees and are referred to herein as connection fees. Connection fees shall be paid in addition to any other applicable fees otherwise established herein. The City is exempt from payment of connection fees for City buildings, irrigation sprinkler systems, restrooms, drinking fountains, or artwork utilizing water as part of the artwork installed to serve any public parks, rights-of-way, open space, or medians, or for irrigation of landscaping for any City-owned facility so long as a separate irrigation connection for landscaping is established. The City shall not be exempt from payment of the meter fee for water meters.

6.1 Time of Payment:

- a. Connection fees for buildings, other than individually metered mobile homes, located within the City cannot be paid until after the building has passed the City's inspection of the rough-in-plumbing but shall be fully paid before the City will issue a Certificate of Occupancy for such building.

- b. Connection fees for buildings, other than individually metered mobile homes, outside the City limits cannot be paid until after the City has received the certification from a Professional Engineer licensed in the State of Colorado that the yard sewer is installed in accordance with the current version of the City's "Standards and Specifications for the Design and Construction of Public Improvements" or as approved by a City designee.
- c. Connection fees for individually metered mobile homes cannot be paid until anytime after the date of the building permit approving the set-up of the mobile home from the City or Adams County.
- d. Connection fees for irrigation connections shall be paid at the time the meter is requested to be set and prior to initial acceptance of improvement by City. Such fees shall be calculated in accordance with the fees in effect at the time the City receives full payment of the fees. For irrigation connections that are to serve lands owned by, or to be dedicated to, the City, the owner or developer shall pay the connection fees for any irrigation connections required at the time designated in this ordinance or as established in a Developer's Agreement, Annexation Agreement, or other agreement, but in no event later than when the meter is requested to be set and prior to initial acceptance of the improvement by the City.

6.2 General and Big Dry Basin Fees:

a. Domestic Connection (Individually Metered Unit).

<u>Each Individual Living Unit</u>	<u>Water Meter</u>	<u>Water Connection</u>	<u>Water Resource</u>	<u>Constr. Water</u>	<u>Big Dry Water*</u>
Single-Family	\$ 181	\$ 9,115	\$ 15,655	\$ 39	\$ 111
Duplex	181	5,443	10,609	39	111
Manufactured Home	181	4,101	8,857	39	111
Multifamily	181	2,615	6,561	39	111

\* Additional fee applies to water connections within the area depicted in Exhibit A. Provisions in Annexation Agreements related to reimbursing the City for water lines constructed by the City within the Big Dry Creek Area Basin as denoted in Exhibit A are amended by the water rates contained herein.

b. Multifamily (Master Meter) Connection.

Tap/Meter (inches)*	Water Meter	Per Unit Water Connection	Per Unit Water Resource	Constr. Water	Per Unit Big Dry Water**
5/8 by 3/4	\$ 181	\$ 4,934	\$ 9,462	\$ 39	\$ 111
3/4	242	4,934	9,462	39	111
1	297	4,934	9,462	99	111
1-1/2	408	4,934	9,462	99	111
2	1,838	4,934	9,462	99	111
3	2,059	4,934	9,462	246	111
4	2,841	4,934	9,462	246	111

\*Fee is based upon the larger of the tap or meter size, pursuant to contractual agreement between the City and Metro Wastewater. Fees for larger meter sizes are available upon request.

\*\* Additional fee applies to water connections within the area depicted in Exhibit A. Provisions in Annexation Agreements related to reimbursing the City for water lines constructed by the City within the Big Dry Creek Area Basin as denoted in Exhibit A are amended by the water rates contained herein.

c. Commercial Connection.

Tap/Meter (inches)*	Water Meter	Water Connection	Water Resource	Constr. Water	Per Unit Big Dry Water**
5/8 by 3/4	\$ 181	\$ 9,115	\$ 15,655	\$ 39	\$ 277
3/4	242	15,191	26,092	39	277
1	297	24,306	41,747	99	565
1-1/2	408	30,382	52,184	99	1,328
2	1,838	97,222	166,989	99	2,103
3	2,059	194,445	333,977	246	4,539
4	2,841	303,820	521,839	246	8,635

\*Fee is based upon the larger of the tap or meter size, pursuant to contractual agreement between the City and Metro Wastewater. Fees for larger meter sizes are available upon request.

\*\* Additional fee applies to water connections within the area depicted in Exhibit A. Provisions in Annexation Agreements related to reimbursing the City for water lines constructed by the City within the Big Dry Creek Area Basin as denoted in Exhibit A are amended by the water rates contained herein.

- d. Irrigation Connection – Potable Water. The irrigation meter shall be sized based upon the irrigation construction drawings approved by the City and as described in the City’s Standards and Specifications, Section 809: Irrigation Systems. In no circumstance shall the demand on the downstream side of the meter be greater than the maximum continuous flow limitations of the approved irrigation meter.

Tap/Meter (inches)	Water Meter	Water Connection	Water Resource	Per Unit Big Dry Water*
5/8 by 3/4	\$ 181	\$ 9,115	\$ 15,655	\$ 277
3/4	242	15,191	26,092	277
1	297	24,306	41,747	565
1-1/2	716	30,382	52,184	1,328
2	786	97,222	166,989	2,103
3	894	194,445	333,977	4,539
4	1,131	303,820	521,839	8,635

\* Additional fee applies to water connections within the area depicted in Exhibit A. Provisions in Annexation Agreements related to reimbursing the City for water lines constructed by the City within the Big Dry Creek Area Basin as denoted in Exhibit A are amended by the water rates contained herein.

- e. Irrigation Connection – Non Potable Water. Fees available upon request and will be based on cost to install service.

### 6.3 Water Connection fees for redeveloped property.

When a lot, tract or subdivided or unplatted real property (hereafter, “Property”) currently served by water connections, is to be redeveloped for any purpose which requires enlargement, relocation, or replacement of the existing connections, connection fees will be as follows:

When redevelopment of any type occurs on Property that is, at the time of Development to be served by the City’s Utility System (hereafter “Utility System” which shall mean for purposes of this Section, connections to the City’s Sewer system and/or Water system, as said systems are defined in Section 74-87 of the Code) connection fees shall be imposed as follows:.

Connection fees for redevelopment will be calculated based upon the difference between the size of any pre-existing connections to the Utility System for a particular type of use and the applicable fees for the size of any new connections. Consequently, the value of any pre-existing connection may be used as a credit for payment of the new connection fee to serve any Property associated with redevelopment.

The difference between connection charges shall be calculated using the fees established in the City Rate Ordinance in effect at the time payment for the redevelopment is paid to the City. The City will not refund money for connection fees paid and will not allow a credit for future connection fees to be paid, except as specifically stated in a development or redevelopment agreement.



- 6.4 Decreased Connection or Connections. The City will not refund any money or allow a future credit for a connection decreased in size or for connections decreased in total number when the property currently served by such connections is redeveloped.
- 6.5 Inactive Connection. Upon reactivation, an inactive connection shall be considered a new connection and connection fees in effect shall apply for the Water Connection, Water Resource, Water Meter, Construction Water, and Big Dry Basin fees. The City will not refund any money or allow a future credit.
- 6.6 Eastlake Customer Service Charge. In addition to charges paid for water consumption, each individual customer within the Eastlake Service Area (as defined in Exhibit A of that certain intergovernmental agreement (“IGA”) between the Eastlake Water and Sanitation District and the City of Thornton, dated April 27, 2004) that has elected to pay the Connection Cost for connection to the City’s water system in installments, pursuant to the IGA, shall pay an additional monthly charge of \$49.78 until such time as the entire balance of such customer’s individual total Connection Cost of \$7,543 has been paid in full.

#### Section 7. Adjustments by City Manager.

The City Manager shall have the authority to determine that the public interest is best served by:

- 7.1 Rate Classification Determination. Making determinations regarding the placement of customers within the most appropriate rate classification (domestic, commercial, irrigation or industrial) in keeping with the intent of this ordinance.
- 7.2 Adjustment to AWC or Monthly Outdoor Allowance. Adjusting the AWC or Monthly Outdoor Allowance for specific accounts where the prescribed calculations provide amounts that are significantly different than the customer’s actual and reasonable usage.
- 7.3 Adjustment to Water Quantity Charge. Adjusting the water quantity charge to a Tier 2 rate due to a specific non-recurring failure of a customer’s water line or other loss where the evidence indicates the loss was neither intentional nor due to negligence and corrected within a reasonable period of time.
- 7.4 Waiver of Charges. Waiving charges contained in Section 3 when deemed appropriate.

#### Section 8. Adjustment for Drought Declaration.

City Council shall be required to review and change as necessary all rates and Monthly Outdoor Allowances at such time that the City Council or City Manager revises the declared drought stage.

## Section 9. Thornton Water Assistance Program.

The Thornton Water Assistance Program (Program) is intended to provide short-term assistance to Thornton Water Utility customers meeting qualifying criteria during difficult economic times. The Program is not intended to be permanent nor supersede any other programs or payment arrangements for customers currently offered to Thornton utility customers.

- 9.1 Qualification Criteria. To qualify for this Program, the Customer must provide evidence that the Customer's household income does not exceed 60% of the State Median Income~~185% of the Federal Household Poverty Level~~ or provide evidence that the Customer qualifies for any other assistance program for which the criteria is equal to or more restrictive than 60% of the State Median Income~~185% of the Federal Household Poverty Level~~ for the year in which the Customer seeks assistance. Examples of such other programs include: Low Income Energy Assistance Program and Temporary Assistance for Needy Families. The City may utilize a third-party entity to determine qualification of applicants. The customer will need to reapply each year to receive assistance.
- 9.2 Program Funding. Funding is established by City Council through the annual budget appropriation process.
- 9.3 Assistance. Qualifying Customers will be eligible for a one-time credit against their water utility bill, or in the case where the customer resides in a multifamily master meter community, a one-time payment made payable to the property management company or leasing agent.
- 9.4 Ineligible Customers. Thornton water utility customers who have been assessed a fee for tampering associated with their water meter within the last three years are not eligible for this Program. Customers who provide false information or tamper with the meter shall be removed from the Program.
- 9.5 Other. Customers receiving assistance under this Program will still be subject to all provisions of this ordinance including late fees and service disconnection fees and policies.

## Section 10. Severability of Invalid Provision.

If any portion of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared unconstitutional or invalid.

Section 11. Saving Clause.

The repeal or amendment of any provision of the Code by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 12. Effective Date.

This ordinance shall take effect upon second and final reading. Any developer of a multifamily residential project where Special Merit Designation was approved by the City Council on or before October 17, 2002 shall be allowed to pay the 2002 City water development fees set forth in Ordinance 2698 for that project until the Special Merit Designation expires, except for the Water Meter fees set forth above.

INTRODUCED, READ, PASSED on first reading, ordered posted in full, and title ordered published by the City Council of the City of Thornton, Colorado, on May 11, 2021.

PASSED AND ADOPTED on second and final reading on \_\_\_\_\_, 2021.

CITY OF THORNTON, COLORADO

\_\_\_\_\_  
Jan Kulmann, Mayor

ATTEST:

\_\_\_\_\_  
Kristen N. Rosenbaum, City Clerk

THIS ORDINANCE IS ON FILE IN THE CITY CLERK'S OFFICE FOR PUBLIC INSPECTION.

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
William A. Tuthill III, Interim City Attorney

PUBLICATION:

Posted at City Hall, Margaret W. Carpenter Recreation Center, and Thornton Active Adult Center after first and second readings.

Published on the City's official website after first reading on May 12, 2021, and after second and final reading on \_\_\_\_\_, 2021.